

II. Remarks

Reconsideration and re-examination of this application in view of the following remarks is herein respectfully requested. After entering this Reply, claims 1, 2, 4-19, and 20-24 remain pending.

The undersigned would like to thank the examiner for the interview conducted on May 19, 2009. The Gold reference was discussed and it was noted that Gold does not teach using a high elongation material for the proximal end portion and a low elongation material for the distal section of an elongate control member. As such, the examiner and the undersigned agreed that the currently cited references did not teach or suggest all of the elements claimed.

Claim Rejections – 35 U.S.C. §103

Claims 1, 4-19, and 21-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,695,813 to Boyle et al. (Boyle) in view of U.S. Patent No. 5,681,347 to Cathcart et al. (Cathcart) in view of U.S. Patent No. 4,636,346 to Gold et al. (Gold) in view of U.S. Patent No. 5,098,440 to Hillstead (Hillstead).

Claim 1 recites that the proximal end portion of the elongate control member is comprised of a high elongation material and the proximal end portion is bonded to a low elongation section of the elongate control member extending distally from the proximal end portion. This is clearly illustrated in Figure 12, where the high elongation material section is denoted by reference numeral 61 and the low elongation material section is denoted as reference numeral 63. As such two separate sections are defined, one proximal section and one distal section each

made of different material, that are joined together to form the elongate control member.

Boyle, Cathcart, and Hillstead clearly do not teach an elongate control member including a proximal end portion of a high elongation material section bonded to a low elongation material section for manipulating a grasping portion. Rather, the examiner relies on Gold to teach this element. However, as discussed with the examiner, Gold teaches creating stiffer proximal end and a softer more flexible distal tip section. This is contrary to the high elongation material forming proximal end and the low elongation material forming the distal end as provided in the claim. As such, Gold actually teaches away from the configuration claimed.

Claims 4-19 depend from claim 1 and are, therefore, patentable for at least the same reasons as provided above in support of claim 1.

Claim 21 further recites that the low elongation material section extending continuously between the proximal end portion and the atraumatic distal tip section for low elongation distal to the proximal end portion, the proximal end portion being comprised of a high elongation material section for tension absorption when the elongate control member is urged distally. As discussed above, none of the cited references teach using a high elongation material for the proximal end portion and a low elongation material for the distal section of an elongate control member.

Claims 22-24 depend from claim 21 and are, therefore, patentable for at least the same reasons as provided above in support of claim 21.

Claims 2 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyle in view of Cathcart, Gold, Hillstead and in view of U.S. Patent No. 5,484,444 to Braunschweiler et al. (Braunschweiler).

Claims 2 and 20 depend from claim 1 and are, therefore, patentable for at least the same reasons as provided above in support of claim 1.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted by,

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